

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

|                               |   |                                   |
|-------------------------------|---|-----------------------------------|
| <b>TONIA E. FISHER,</b>       | ) |                                   |
|                               | ) |                                   |
| <b>PLAINTIFF,</b>             | ) |                                   |
|                               | ) |                                   |
| <b>vs.</b>                    | ) | <b>CASE No. 07-CV-433-CVE-FHM</b> |
|                               | ) |                                   |
| <b>SOUTHWESTERN BELL</b>      | ) |                                   |
| <b>TELEPHONE COMPANY,</b>     | ) |                                   |
| <b>(a Foreign For Profit</b>  | ) |                                   |
| <b>Business Corporation),</b> | ) |                                   |
|                               | ) |                                   |
| <b>DEFENDANT.</b>             | ) |                                   |

**OPINION AND ORDER**

Plaintiff's Motion to Exchange Deposition/Interrogatory Designations Out of Time [Dkt. 239] has been referred to the undersigned United States Magistrate Judge for decision. At the Court's request, Defendant submitted an expedited response to the motion and Plaintiff has filed a reply. Based upon those filings, it now appears that there is only one deposition for which designations may be required. In light of Plaintiff's pro se status, her confusion as to the proper procedure for designating deposition testimony and the fact that only one deposition needs to be designated, Plaintiff's Motion to Exchange Deposition Designation Out of Time is GRANTED as follows:

On or before March 13, 2009, Plaintiff shall submit to Defendant her designation of the deposition testimony she intends to offer from the one deposition at issue. The designation shall consist of a written communication from Plaintiff to Defendant setting forth the page and line numbers of all of the testimony from the deposition that Plaintiff intends to offer at trial.

On or before March 20, 2009, Defendant shall submit counter-designations to Plaintiff of the page and line numbers of the testimony that Defendant wants to present from the deposition and any objections to Plaintiff's designations.

On or before March 25, 2009, Plaintiff shall submit to Defendant any objections to Defendant's designations.

If either party has objections to the testimony designated by the other party, a conference shall be held to attempt to resolve those objections. If the objections cannot be resolved, Plaintiff shall submit to the Court a copy of the transcript of the deposition annotated with the designations made by Plaintiff, the counter-designations made by Defendant and the objections made by either party. This shall be filed by March 30, 2009.

SO ORDERED this 6th day of March, 2009.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE